

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

VICTOR MEDLOCK JR.,

Plaintiff,

v.

ASA HUTCHINSON ET AL.,

Defendants.

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CIVIL ACTION NO. 5:17-CV-00108-RWS

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The Plaintiff Victor Medlock, a former inmate of the Bowie County Correctional Center in Texarkana, Texas, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff filed a motion for summary judgment and injunctive relief, asking the Court to order his privileges be restored and for the Defendants to refrain from giving him disciplinary cases due to his fear of not being protected and his refusal to accept placement in general population. Docket No. 13. After review of the pleadings, the Magistrate Judge issued a Report recommending Plaintiff's motion be denied. Docket No. 20. The Magistrate Judge reasoned that Plaintiff was not entitled to summary judgment because Plaintiff did not establish there were no disputed issues of fact and that he was entitled to judgment as a matter of law. *Id.* at 2. The Magistrate Judge also noted that Plaintiff had been transferred to custody in Arkansas and was no longer in confinement in Bowie County, rendering his request for injunctive relief regarding

his conditions of confinement in Bowie County moot. *Id.* at 3 (citing *Herman v. Holiday*, 238 F.3d 660, 665 (5th Cir. 2001)).

Plaintiff received a copy of the Magistrate Judge's Report on or before February 7, 2018. Docket No. 23. No objections were filed. In the absence of objections, the Court reviews the Magistrate Judge's Report for clear error. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc); *see United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (explaining that the clear error standard is "appropriate only where there has been no objection to the magistrate's ruling"). Having reviewed the Report and record, the Court agrees with the Magistrate Judge that Plaintiff's motion for summary judgment and injunctive relief should be denied. It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 20) is **ADOPTED** as the opinion of the Court. It is further

ORDERED the Plaintiff's motion for summary judgment and injunctive relief in the form of a temporary restraining order or preliminary injunction (Docket No. 13) is **DENIED**.

So ORDERED and SIGNED this 12th day of March, 2018.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE